

**STATE BOARD ADVISORY PANEL
FOR SPECIAL EDUCATION**

The Arizona State Advisory Panel for Special Education held a meeting at Arizona Department of Education, 1535 W. Jefferson, Room 417, Phoenix, AZ on May 16, 2006, from 9:00 a.m. to 3:00 p.m.

Members Present

J'Anne Affeld
M. Diane Bruening
Susan Douglas, Co-chair
Molly Dries
Phyllis Green
Rebecca Hall
Kathleen McCoy
Kathy McDonald
Mattie McVey
Kimberly Peaslee
Terisa Rademacher, Co-chair
Sue Tillis
Kay B. Turner, Vice-chairperson

Others Present

Lynn Busenbark, ADE/ESS
Joanne Phillips, ADE/ESS
Jeannette Zemeida, ADE/ESS

Members Absent

Johanna Bookbinder
Erik Jensen
Megan McGlynn
Tona TreeTop



Minutes Approved (As Read)(As Amended)

Chairperson: _____

Signature

Date

Topic	Discussion	Outcome
1. Call to order.	Terisa Rademacher, Co-Chairperson, called the meeting to order at 9:12 a.m.	1. None
2. Approval of March 9, 2006 minutes.	Phyllis Green made a motion and seconded by Mattie McVey Lord to approve the minutes of the March 9, 2006 meetings.	2. Motion carried
3. Public comment.	Ms. Rademacher welcomed the public in attendance. She explained to those present the procedures for making a comment. Anyone wishing to comment on an agenda item was asked to fill out a brief questionnaire stating which agenda item they wished to comment on. That person would then be called on when that item was discussed.	3. None
4. Exceptional Student Services.	<p>Dr. Lynn Busenbark, Director of Program Support/ESS (Exceptional Student Services), provided the Panel with information regarding the new monitoring system. She gave the Panel a sample of the data analysis used by ESS and explained the process used to determine the six cluster items. Dr. Busenbark explained which reports were used in order to determine the numbers in each category and how those numbers were used to determine when an LEA is out of compliance in a given category.</p> <p>The monitoring information for every PEA is now listed on the ADE/ESS website at: http://www.ade.az.gov/ess/idea/Reports/. The report is named: "Statewide Outcomes Results for 2005 Data".</p> <p>Dr. Busenbark also gave the Panel a draft of the core items that are being considered for the new monitoring system. There are currently 29 core line items being considered for monitoring; however, ESS reserves the right to adjust the list when necessary. All of the line items will still be in the monitoring system for PEAs to use internally. ESS will be encouraging PEAs to use the whole system internally, in order to keep them in compliance in case of a complaint or a due process hearing. However, ADE will only be monitoring on the core line items and clusters appropriate for the PEA.</p> <p>If a PEA has data that is below the state's average in an indicator area, they may be required to do a "drill-down" or root cause analysis. A PEA will only be required to do a maximum of two and they do not do it during the time they are being monitored but during the year following their monitoring. Dr. Busenbark provided the Panel with a draft of the list of steps a PEA would need to take in order to correct the indicator area.</p> <p>Dr. Busenbark answered Panel questions regarding the new monitoring system.</p> <p>In an attempt to understand how drill-downs will help districts to improve their data, a Panel member asked how Response to Intervention (RTI) data would impact change and Child Find.</p>	4. None

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	<p>Joanne Phillips, Deputy Associate Superintendent, ESS, answered questions from the Panel regarding RTI. She stated that there is no empirical data on the efficacy on using RTI as a diagnostic tool. RTI is a good tool to catch a child's reading decoding skills early, when it is easier to correct, rather than waiting until there is a two-year learning gap before intervening. Unfortunately, RTI was not included in No Child Left Behind (NCLB). It was put into IDEA 04 instead. If RTI were placed in NCLB, a child who is having difficulty could be initially recognized as "having difficulty", instead of being labeled "special ed".</p> <p>Ms. Phillips described the three tiers of RTI. Most children recognized as "having difficulty" will most likely be helped at one of the first two tiers. If a child cannot be helped at the first two levels, then most likely that child requires special education.</p> <p>Ms. Phillips felt that ultimately, with RTI, fewer children will be referred to special education.</p> <p>ESS recently received a brochure from Mountain Plains Regional Resource Center (MPRRC) regarding "RTI for Parents". Once it is adjusted to include Arizona terms, it will be posted on the ESS website.</p> <p>The regulations for IDEA 2004 should be available in August.</p>	
5. Panel Business	<p>The Panel reviewed proposed changes to the SEAP Bylaws. Ms. Rademacher read the proposed changes and the Panel voted on each paragraph change separately. See the attached document for detail of changes to the bylaws.</p> <p>The following is a list of the paragraphs changed and the individuals who voted to approve and moved to accept changes:</p> <p>Article Three, Section 3 – Absentees Sue Tillis moved and Kathleen McCoy seconded to approve changes. The motion was carried by unanimous vote.</p> <p>Article Four, Panel Leadership, Paragraph 1 Kay Turner moved and J'Anne Affeld seconded to approve changes. The motion was carried by unanimous vote.</p> <p>Article Four, Panel Leadership, Paragraph 2 Diane Bruening moved and Kim Peaslee seconded to approve changes. The motion was carried by unanimous vote.</p>	5. Motion carried

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	Article Five, Functions, Paragraph 1 Diane Bruening moved and Kay Turner seconded to approve changes. The motion was carried by unanimous vote.	
	Article Six, Section 2 – General Procedures, Item 1 Kim Peaslee moved and Kathleen McCoy seconded to approve changes. The motion was carried by unanimous vote.	
	Article Six, Section 2 – General Procedures, Item 2 J’Anne Affeld moved and Kathy McDonald seconded to approve changes. The motion was carried by unanimous vote.	
	Article Six, Section 2 – General Procedures, Item 9 Kay Turner moved and Phyllis Green seconded to approve changes. The motion was carried by unanimous vote.	
	Article Seven, Role of SEA Staff, Paragraph 1 Kim Peaslee moved and Kathy McDonald seconded to approve changes. The motion was carried by unanimous vote.	
	Article Seven, Role of SEA Staff, Paragraph 2 (new paragraph) Panel discussion preceded vote. Sue Tillis moved and Kay Turner seconded to approve changes. The motion was carried by unanimous vote.	
	Article Seven, Role of SEA Staff, Paragraph 3 Kathy McDonald moved and Kay Turner seconded to approve changes. The motion was carried by unanimous vote.	
	Ms. Rademacher distributed copies of the approved SEAP meeting calendar for SY 2006-2007.	
	Ms. Rademacher distributed copies of an outline for the 2005-2006 SEAP Annual Report. The Annual Report is due to the State Board by July 1, 2006. A draft of the report will be sent to Panel members a week prior to the June 20 SEAP meeting. The Panel should review the draft before the meeting and come prepared to recommend changes and approve the final version of the Annual Report.	
	The Panel reviewed the outline for the Annual Report. Most of the material was taken from previous minutes.	

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	<p>The SEAP recruitment brochure has been updated to reflect IDEA 04 changes in Panel membership. Ms. Rademacher provided the Panel of draft copies for review.</p> <p>A discussion of the graphics for the brochure and the Annual Report was held. SEAP members are going to look for new clip art.</p> <p>The Panel discussed topics that they would like to have covered at future meetings. The priorities are:</p> <ul style="list-style-type: none">RTISecure CareDispute ResolutionChanges to special education regulationsPanel discussion regarding joint meeting with ICC held in MarchTeacher preparationInteractive Presentations (inform and influence)School Facilities BoardPost School OutcomesAdequate Yearly Progress (AYP)Alternate Assessment/Accommodations <p>The Executive Committee presented a Certificate of Appreciation to Sue Tillis, who will not be reapplying to SEAP.</p>	
6. Bureau of Indian Affairs, Office of Indian Education Programs	<p>Ms. Phillips gave the Panel a brief overview of the recent changes to the Bureau of Indian Affairs (BIA).</p> <p>The Bureau of Indian Affairs has been renamed to Bureau of Indian Education (BIE). A new director has been hired and the entire agency has been reorganized. The BIE's goal is to have its new policies in place by July 1.</p> <p>Within the new BIE there will be a Division of Compliance, Monitoring and Accountability (DCMA). This is the division that will supervise the BIE schools. Ms. Phillips outlined the programs that will be housed under DCMA.</p> <p>The BIE has the responsibility to compel schools to comply with IDEA 04; however, they do not have the authority to do so, as ADE/ESS does. BIE has authority over grant and contract schools they monitor but not tribal schools. Federal money is given to each tribe and then the tribe gets to decide how to spend the money. Ms. Phillips explained the structure of BIE</p>	

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	<p>schools and how the students are funded. Ms. Phillips explained the difficulty BIE and the state has in determining source of funding for some students.</p> <p>All the Head Start programs in the Navajo Nation were closed May 2, 2006 because there were several employees that had not had background checks. Several people turned out to have felony convictions. The Navajo Nation had been given notice to conduct the background checks. When the background checks were not conducted, the Head Starts were shut down. The Navajo Nation hopes to have the programs open again by July or August of this year. However, they may not be able fix the problems with the program by then.</p> <p>Local districts are scrambling to find places for the students that would have been in the head start program. The issues they are facing include lack of supplies and lack of space.</p>	
7. Assistive Technology	<p>The state has given notice to Southwest Human Development that it is bringing assistive technology in-house. It will be under Exceptional Student Services. The current plan is to have two specialists in Flagstaff, two in Tucson, and six in the Phoenix office. ESS is considering using NAU in Flagstaff, space at Tucson Unified School District and the Palm Lane Office in Phoenix. There has been a delay in obtaining the Palm Lane space. ESS cannot begin to hire staff until the space is approved. The goal is to have the program up and running by July 1.</p> <p>Arizona is the only state in the country that has brought the assistive technology (AT) training in-house. The specialists will continue the training that Southwest Human Development was contracted to do.</p> <p>ESS plans to create a lending library in the Tucson, Flagstaff and Phoenix areas. This will be accomplished with intergovernmental agreements. This will allow districts to borrow equipment to determine whether or not the item is appropriate for student before the district makes the commitment to purchase. ESS hopes to establish Intergovernmental Service Agreements (ISAs) with the Rehabilitation Services Administration (RSA). RSA already has 17 locations around the state that house low-tech AT materials.</p>	
8. Open Meeting Law.	<p>Ms. Julia Smock, Attorney General's Office, Open Meeting Law Enforcement, trained the Panel on current open meeting laws.</p> <p>The best resource on Open Meeting Law is the Arizona Agency Handbook. It located at www.az.ag.gov. It is listed under "Quick Links", Arizona Agency Handbook, Chapter 7. Ms. Smock also included a statement from A.R.S. § 38-431 regarding Open Meeting Laws.</p> <p>SEAP is covered under the Open Meeting Law because members were appointed by the State</p>	

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	<p>Board of Education which is subject to Open Meeting Laws. The Open Meeting Law is intended to allow the public to observe and listen to what's going on. There is no inherent right of the public to speak to the Panel although SEAP does encourage participation.</p> <p>Ms. Smock answered questions from the Panel regarding e-mail, Panel subcommittees and quorum.</p> <p>Ms. Smock and the Panel reviewed and discussed hypothetical situations regarding the Open Meeting Law.</p> <p>Items that impact SEAP:</p> <ul style="list-style-type: none">If there is not a quorum for the meeting, the meeting has to be cancelled. If the Panel loses its quorum because members leave early, the meeting must be adjourned.Ms. Smock advised the Panel that a statement be included on the agenda that states that every item on the agenda has the potential to be an action item.Agenda items need to be clearly outlined with a description that tells the Panel and the public what will be discussed and whether or not the item will be a discussion or action item.If the Panel has a time sensitive agenda, items cannot be moved around or begun before the time specified on the agenda.Panel members cannot use e-mail to discuss an item on the agenda.Panel members and staff members can be fined for violating the Open Meeting Law.Any piece of information, including e-mails, that is generated by the Panel is part of public record.The Panel cannot speak to items that are brought up by the public during the meeting. If the public brings up an item that is not on the agenda, the Panel can direct their staff member to include the item on the next agenda.The Panel cannot discuss items that are not listed on the agenda.A member of the public must state their name if they choose to speak to an issue on	

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	the agenda. The information must be included in the minutes.	
	Ms. Smock encouraged Panel members to contact her with any Open Meeting Law questions. Her e-mail address is Julia.Smock@azag.gov .	
9. Next meeting and agenda items.	<p>Dr. Kay Turner volunteered to write a letter to the School Facilities Board confirming their presentation at the June 20, 2006 SEAP meeting, which will include an outline of areas of concern. A copy of the letter will be sent to the Governor's Council on Developmental Disabilities with an invitation to attend.</p> <p>The following items were proposed for the agenda for the June 20, 2006 meeting:</p> <ul style="list-style-type: none">◆ School Facilities Board◆ Elections – Co-Chair (currently filled by Teri Rademacher); Vice Chair <p>To ensure a quorum, future meetings will be scheduled for 9:30 am – 3:30 pm.</p>	9. None.
10. Adjournment	Seeing no further business, Ms. Rademacher adjourned the meeting at 2:40 p.m.	10. Adjournment.